

\*E-Filed 7/22/13\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

LARRY H. VIERA,  
Plaintiff,

v.

G.D. LEWIS, et al.,  
Defendants.


No. C 12-1497 RS (PR)

**ORDER DENYING MOTION TO  
DISMISS**

Defendants' motion to dismiss the action on grounds that (1) plaintiff's complaint fails to state claims for relief, and (2) plaintiff failed to exhaust administrative remedies, (Docket No. 20), is DENIED. As to (1), the Court already has determined that when the complaint is liberally construed plaintiff has alleged facts sufficient to state a claim. As to (2), defendants may raise this issue again in their motion for summary judgment. Defendants shall file a motion for summary judgment, or notice regarding such motion, on or before October 22, 2013. This order terminates Docket No. 20.

**IT IS SO ORDERED.**

DATED: July 22, 2013

  
RICHARD SEEBORG  
United States District Judge

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ORDER DENYING MOTION TO DISMISS